

**STATE BAR OF CALIFORNIA**  
**COMMISSION FOR THE REVISION OF THE RULES**  
**OF PROFESSIONAL CONDUCT**

**OPEN SESSION AGENDA**

**Friday, July 22, 2005**  
(9:10 am - 5:00 pm)

**Saturday, July 23, 2005**  
(9:15 am - 5:00 pm)

**SF—State Bar Office**  
**180 Howard Street, 4th Floor**  
**San Francisco, CA 94105**

*[NOTE RE MEETING SITE: For members of the public, for the open session portion of this meeting arrangements are pending to allow this meeting to be accessed by video-conference from the Los Angeles office of the Bar. If video-conference arrangements cannot be made, then tele-conference access will be offered. Members of the public who wish to attend this meeting from the Los Angeles site are asked to call Audrey Hollins at 415-538-2167.]*

**I. APPROVAL OF OPEN SESSION ACTION SUMMARY FROM THE JUNE 10, 2005, MEETING**

(Draft action summary for the June 10, 2005 meeting to be circulated prior to the July meeting.)

**II. REMARKS OF CHAIR**

**A. Chair's Report**

(The Chair will provide an oral report on administrative, procedural, or other informational matters.)

**B. Staff's Report**

(Staff will report on the activities of COPRAC and the Board of Governors.)

III. **MATTERS FOR ACTION** (Name with asterisk is lead drafter, underline indicates a newly added co-drafter.)

\*Lamport  
Foy  
Melchior  
Mohr  
Voogd

A. **Consideration of Rule 3-600 [ABA MR 1.13] (Organization as Client)**

[anticipated 1 hour discussion]

(Matter carried over from June 10, 2005 meeting. Materials enclosed.) **[pages 1 – 38]**

\*SeLegue  
Kehr  
Melchior

B. **Consideration of Rule 3-310 [ABA MR 1.7, 1.8, 1.9, 1.10, 1.11] Avoiding the Representation of Adverse Interests**

[anticipated ½ hour discussion]

(Matter carried over from June 10, 2005 meeting. Enclosed are materials previously distributed for the June 10 meeting, in addition, an e-mail compilation dated June 8<sup>th</sup> is enclosed.) **[pages 39 – 64]**

\*Tuft  
Martinez  
Peck

C. **Consideration of Rule 1-300 [ABA MR 5.5, MR 5.3] (Unauthorized Practice of Law; Multijurisdictional Practice of Law) (Including consideration of discussion section re “definition of the practice of law” and proposed rule 5.3.1 [1-311])**

[anticipated 1 hour discussion]

(Matter carried over from June 10, 2005 meeting. Enclosed are materials previously distributed for the April 1st & 2nd and June 10th meetings, and additional materials concerning proposed rule 5.3.1 [1-311].) **[5.3 & 1-311 pages 65 – 94] – [5.5 pages 95 – 160]**



**NOTE TO ALL MEMBERS:** The Commission is striving to complete all of chapter 5 rules by the September meeting. For this item, only those issues previously raised for the June 10<sup>th</sup> meeting will be discussed and recommendations of the codrafters may be deemed approved if there are no objections submitted **by July 15<sup>th</sup>**.

\*Kehr  
Sapiro  
SeLegue

**D. Consideration of ABA MR 5.7. Responsibilities Regarding Law-Related Services (no California counterpart)**

[anticipated ½ hour discussion]

(Matter carried over from June 10, 2005 meeting. Enclosed are revised June 10<sup>th</sup> meeting materials, in addition to an e-mail compilation dated June 8<sup>th</sup>.) **[pages 161 – 180]**



**NOTE TO ALL MEMBERS:** The Commission is striving to complete all of chapter 5 rules by the September meeting. For this item, only those issues previously raised for the June 10<sup>th</sup> meeting will be discussed and recommendations of the codrafters may be deemed approved if there are no objections submitted **by July 15<sup>th</sup>**.

\*Tuft  
Martinez  
Peck

**E. Consideration of Rule 5.4. Professional Independence of a Lawyer (aka Rule 1-310X)**

[anticipated 1 hour discussion]

(Materials to be distributed prior to meeting.)

\*Tuft  
Ruvolo  
Vapnek  
Mohr

**F. Consideration of ABA MR 5.1. Responsibilities of Partners, Managers, and Supervisory Lawyers (previously considered as a part of rule 5.4 (aka Rule 1-310X))**

[anticipated 1/2 hour discussion]

(Materials enclosed.) **[pages 181 – 204]**

\*Tuft  
Ruvolo  
Vapnek  
Mohr

**G. Consideration of ABA MR 5.2. Responsibilities of Subordinate Lawyer (previously considered as a part of rule 5.4 (aka Rule 1-310X))**

[anticipated 1/2 hour discussion]

(Materials to be distributed prior to meeting.)

\*Ruvolo  
Foy  
Julien

- H. Consideration of Rule 1.8.2 (Rule 3-120). Sexual Relations With Client**  
[anticipated ½ hour discussion]  
(Revised draft rule to be distributed prior to the meeting. Enclosed are the 10-day mail ballot materials and the comments received from Commission members in response to the mail ballot.)  
**[pages 205 – 216]**

\*Lamport  
Tuft  
Voogd

- I. Consideration of Rule 1.8.1 (Rule 3-300). Avoiding Interests Adverse to a Client**  
[anticipated 1 hour discussion]  
(Materials to be distributed prior to meeting.)

\*Foy  
Julien  
Peck

- J. Report on the Board Referral of Trust and Estates Section Legislative Proposal 2005-02 (re Impaired Clients) [ABA MR 1.14].**  
[anticipated 1 hour discussion]  
(Materials to be distributed prior to meeting.)

\*Peck  
Martinez

- K. Consideration of Rule 2-400. Prohibited Discriminatory Conduct in a Law Practice**  
[anticipated ½ hour discussion]  
(Materials to be distributed prior to meeting.)

\*Vapnek  
Kehr  
Martinez

- L. Consideration of Rule 3-400 [ABA MR 1.8(h) & MR 1.2(c)] Limiting Liability to Client**  
[anticipated 1 hour discussion]  
(Materials to be distributed prior to meeting.)

\*Ruvolo  
Julien  
SeLegue

- M. Consideration of Rule 3-500 [ABA MR 1.4] Communication**  
[anticipated ½ hour discussion]  
(Materials to be distributed prior to meeting.)

\*Ruvolo  
Julien  
SeLegue

- N. Consideration of Rule 3-510 [ABA MR 1.2(a)] Communication of Settlement Offer**  
[anticipated ½ hour discussion]  
(Materials to be distributed prior to meeting. )

\*Voogd  
Tuft  
Ruvolo

- O. Consideration of ABA MR 3.2. Expediting Litigation**  
[anticipated ½ hour discussion]  
(Materials enclosed.) [pages 217 – 224]

\*Melchior  
Martinez  
Sapiro

- P. Consideration of Rule 2-300 [ABA MR 1.17] Sale or Purchase of a Law Practice of a Member, Living or Deceased**  
[anticipated 1 hour discussion]  
(Materials to be distributed prior to meeting.)

\*SeLeague  
Foy  
Melchior

- Q. Consideration of Rule 3-700 [ABA MR 1.16]] Termination of Employment**  
[anticipated ½ hour discussion]  
(Materials to be distributed prior to meeting.)

\*Peck  
Kehr  
Sapiro

- R. Consideration of Rule 4-100 [ABA MR 1.15]] Preserving Identity of Funds and Property of a Client**  
[anticipated ½ hour discussion]  
(Materials to be distributed prior to meeting.)